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| 09/927,947      | 08/10/2001  | Matias G. Duarte     | 4676P013            | 5408             |

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EXAMINER

HAILU, TADESSE

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2173

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

87

## Office Action Summary

Application No.

09/927,947

Applicant(s)

DUARTE ET AL.

Examiner

Tadesse Hailu

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19, 22 and 24-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-7, 9-19, 22 and 24-27 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This Office Action is in response to Amendment entered with filing of RCE on July 11, 2005 for the patent application number 09/927,947.
2. The pending claims 1-19, 22, and 24-27 are examined hereby as follows:

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7, 9-11, 14-17, and 22, 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Becker et al (US Pub No 2002/0130904) in view of Tang et al (US Pat No. 6,731,308).

The invention is related to a system and method of displaying multiple pending notifications in a single window. Likewise, Becker et al ("Becker") is also related to a method, apparatus and computer readable medium for multiple messaging session management with a graphical user interface; and subsequently, Similarly, Tang is also directed to a method for providing information to a user (or initiator) regarding availability of an intended recipient (or participant) for engaging in a communication session. Thus, Becker in view of Tang renders the claimed invention as follows.

With regard to claim 1:

Becker discloses a method of displaying a plurality of concurrent IM sessions (e.g., Figs. 1, and 3-8).

As illustrated, for example, in the graphical user interface of Fig. 1, Becker discloses a variable number of session tabs (plurality of IM sessions) 110, 111, 112, 113, 114 (see also [0038]).

As illustrated, for example, in the graphical user interface of Fig. 1, Becker discloses displaying a session between session tab 110, that is, ANNE which is also a first one of the plurality of IM sessions in a message history panel 120 (IM session window) (see also [0039-0040]).

As illustrated, for example, in the graphical user interface of Fig. 1, Becker discloses representing each one of the plurality of IM sessions, that is, 110, 111, 112, 113 and 114 with a unique identifier tab or indicators, that is, ANNE, BOB, CARL DEB and GAIL respectively (see also [0040]).

Becker also describes receiving at least one unread and recently received message in one or more of the plurality of IM sessions (i.e., ANNE, BOB, CARL DEB and GAIL) (see Paragraphs 41, 88 or 89). Although Becker describes and illustrates that a user (initiator) receiving at least one unread message, but Becker does not clearly describe or illustrate how many messages the user received for any one of the recipient (or tab sessions). Or to put it in the claim language, Becker does not expressly describe, "Indicating the number of messages received in each of the indicators which corresponds to the one or more of the plurality of IM sessions." However, Tang discloses not only the number of messages a recipient (recipient indicator) sent to a

user but also the type of messages received, i.e., Tel call, text messaging, etc. For example, as illustrated in Fig. 5A, the user (John) is receiving 2 Tel calls and 4 text messages from Janak (recipient indicator) as shown in information window. Fig. 5 also illustrates the number of messages each recipient (e.g., Nicole, Bo, Max, etc) sent to John. For example, Nicole and Bo (recipient indicator) sent a Tel call and text message. (See Fig. 5A, column 9, lines 23-44).

Becker and Tang are analogous art because they are from the same field of endeavor, multiple messaging sessions.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the number of message received indicator as describes in Tang with Becker's at least one message indicator color coded tab (Fig. 1, tab 113).

The suggestion /motivation for doing so would have been to provide a more flexible way customizing message sessions. The user may be given the option of selecting among a variety of different messaging session coding schemes or of defining a custom messaging session coding scheme (Becker, Paragraph 41).

Therefore, it would have been obvious to combine Becker and Tang to obtain the invention as specified in claim 1.

With regard to claim 2:

As illustrated, for example, in the graphical user interface of Fig. 1, Becker in view of Tang discloses that the user (initiator) selects one of the individual (recipient), such as ANNE, from a number of messaging sessions (110-114) to initiate an instant messaging session (Becker, [0041]).

With regard to claim 3:

As illustrated, for example, in the graphical user interface of Fig. 1, Becker in view of Tang further discloses representing each one the non-engaged messaging sessions 111-114 (non-displayed ones) of the plurality of IM sessions as a corresponding one of the plurality indicators (BOB, CARL, DEB and GAIL) in the graphical user interface window or IM session window (Becker, [0041]).

With regard to claim 4:

As illustrated, for example, in the graphical user interface of Fig. 1, Becker in view of Tang further discloses a received message identified by the sender identifier (second symbol). For example as shown in a message history panel 120, ANNE, is a unique identifier thereby indicating her message is received by the message history panel 120 (s Becker, [0054]).

With regard to claim 5:

As illustrated, for example, in the graphical user interface of Fig. 1, Becker in view of Tang further discloses a sent message identified by the sender identifier (third symbol). For example as shown in a message history panel 120, YOU SAY (or Zak), is a unique identifier, thereby indicating his/her outgoing message or sent message to ANNE as shown in the message history panel 120 (Becker, [0054]).

With regard to claim 6:

As illustrated, for example, in the graphical user interface of Fig. 1, Becker in view of Tang further discloses that Zak is receiving a message from the selected identifier or session tab, i.e., ANNE as indicated in the message history panel 120 (see

also [0053-0054]). Becker in view of Tang also describes updating the number of messages received, that is adding or subtracting the message received in each of the recipient indicators (Tang, column 8, lines 13-26).

With regard to claim 7:

Becker in view of Tang further discloses that indicating the number of messages comprises displaying a number of first symbols within each of the indicators corresponding to the number of message. For example, as illustrated in Fig. 5A, recipient indicator Janak when clicked shows the type and number of messages sent to the user John (Tang, Fig. 5A, column 9, lines 23-44).

With regard to claim 9:

As illustrated, for example, in the graphical user interface of Fig. 3, Becker in view of Tang further discloses displaying another message (second message) by selecting identifier, DEB 113, wherein DEB is one of the plurality of IM sessions that was not-engaged (not displayed) in conversation (Becker, [0063]).

With regard to claim 10:

As illustrated, for example, in the graphical user interface of Figs. 1 or 3, Becker in view of Tang further discloses representing the first one of the plurality of IM sessions (110 through 114) with a corresponding one of the plurality indicators (ANNE through GAIL) in the graphical user interface (IM session window) (Becker, [0063]).

With regard to claim 11:

As illustrated, for example, in the graphical user interface of Fig. 1, Becker in view of Tang further discloses representing the first one, which is, ANNE 110, of the

plurality of IM sessions (110 through 114) as a corresponding one of the plurality indicators (ANNE through GAIL) in the graphical user interface window (IM session window).

With regard to claim 14:

As illustrated, for example, in the graphical user interface of Fig. 3, Becker in view of Tang further discloses displaying another message (second message) by selecting the identifier, DEB 113 that corresponds to the second one of the plurality of IM sessions (sessions 110 through 114) (s Becker, [0063]).

With regard to claim 15:

Becker in view of Tang discloses filtering, sorting, that is ranking (or prioritizing) each one of the pluralities of session pals or indicators, such as ANNE through GAIL according to the user specified criteria or field (Becker, [0044]).

With regard to claim 16:

Becker in view of Tang further discloses that the sorting or ranking (prioritizing) each one of the plurality of indicators (e.g., ANNE through GAIL) includes prioritizing each one of the plurality of indicators (ANNE through GAIL) in order of activity (e.g. online and/or offline) of the IM session that corresponds to each one of the plurality of session tab indicators. For example, the pals, ANNE through GAIL can be sorted according to user specified activities, such as pal's online and/or offline status, pal's location, pal's device presence, pal's availability and so forth (Becker, [0044]).

With regard to claim 17:



Becker in view of Tang also discloses that the activity of the IM session includes at least one of a group, such as ANNE consisting of receiving a message from Zak in the IM session (Fig. 3); ANNE is also sending a message to Zak in the IM session (Fig. 3); and the conversation between ANNE and Zak is shown displayed in the IM session (Becker, Fig. 3).

With regard to claim 22:

Independent claim 22 is rejected for reasons similar to those given for the rejection of claim 1.

With regard to claim 24:

Independent claim 24 is a system claim corresponding to method 1, and is believed to be unpatentable for at least the same reasons as described above in connection with claim 1.

With regard to claim 25:

Becker in view of Tang further discloses that the processor is coupled to the network via a wireless network (Becker, [0006-0007], and [0036]).

With regard to claim 26:

Becker in view of Tang further discloses that a handheld mobile user terminal or PDA, wherein the processor and the display are included in the mobile user terminal (Becker, [0036], [0048]).

With regard to claim 27:

Independent claim 27 is a machine-readable medium claim corresponding to method 1, and is believed to be unpatentable for at least the same reasons as described above in connection with claim 1.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Becker et al (US Pub No 2002/0130904) in view of Tang et al (US Pat No. 6,731,308) and further in view of Vaananen (US Pub No 20040014456.)

With regard to claims 12 and 13:

As illustrated, for example, in the graphical user interface of Figs. 1 through 8, Becker in view of Tang discloses click-able or selectable session tabs 110 through 114. These session tabs are selectable either with a mouse/keyboard keys (see also [0061-0063]). Furthermore, Becker in view of Tang does disclose displaying another session (Becker, e.g. session with DEB, Fig. 4) of the plurality of IM session (sessions 110-114) by selecting session tab DEB. But Becker in view of Tang falls short to call these selectable session tabs as hot keys. Becker in view of Tang also fails to disclose that selecting a hot key includes selecting a numbered key that corresponds to one of the plurality of sessions.

Vaananen discloses choosing a recipient or contacts with a dedicated keyboard accelerator, hot key, dedicated key or any combinations (see [0056]). Vaananen also discloses a hot key includes a numerical key/button, (e.g., "9") associated with a recipient or associated with the sender of a message ([0079]).

Becker in view of Tang and Vaananen are analogous art because they are from same field of endeavor, i.e., message sessions. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to substitute the hot keys of Vaananen for the session tabs of Becker in view of Tang because Vaananen teaches it is simple to select a recipient or session ([0056]). Therefore, it would have been obvious to combine Vaananen with Becker in view of Tang to obtain the invention as specified in claims 12 and 13.

5. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Becker et al (US Pub No 2002/0130904) in view of Tang et al (US Pat No. 6,731,308) and further in view of Helfman et al (US Pat No 6,396,513).

With regard to claims 18 and 19:

While Becker in view of Tang discloses filtering, sorting or ranking session tabs or pal's (e.g., Becker, ANNE through GAIL) according to their activities ([0044]), but Becker in view of Tang does not disclose expressly that each of the plurality of indicators includes assigning the displayed IM session a lowest priority and/or highest priority.

Helfman discloses prioritizing and ranking of the mailboxes (session identifier), such as first (highest), second, and third (lowest). FIG. 5 illustrates six mailboxes, on

the left side, and their assigned priorities, indicated by numbers (column 3, lines 56-65).

Becker in view of Tang and Helfman are analogous art because they are from same field of endeavor, i.e., electronic messaging. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide the sorting/ranking mechanism ([0044]) of Becker in view of Tang with prioritizing (highest or lowest). As a result of prioritizing the message box or (session tabs) user will be able to easily and quickly locate or access messages which are most important or less important in no time (column 8, lines 36-54). Therefore, it would have been obvious to combine Vaananen with Becker in view of Tang to obtain the invention as specified in claims 18 and 19.

***Allowable Subject Matter***

6. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: while Becker discloses receiving none, one or more messages in engaged and/or non-engaged sessions, but Becker fails to disclose if the message received exceeds a pre-selected threshold to display a symbol in the session tab to indicate said received messages. Or in claim language Becker fails to disclose, "... upon reaching a number of messages equal to a specified threshold, displaying a second symbol to indicate that the number of messages are above the threshold."

Furthermore, while Helfman et al (6,396,513) discloses that the user may choose to be informed when the total number of unread messages exceeds a threshold, but Helfman does not disclose displaying in the indicator a symbol associated with the exceeded message that corresponds to the selected session.

Thus, prior art neither renders obvious nor anticipates the combination of claimed elements in light of the specification.

### ***Response to Arguments***

7. Applicant's arguments filed July 11, 2005 have been fully considered but they are not persuasive. Applicant argues "Tang does not teach or suggest the number of messages received in each of the indicators (representing each corresponding one of the plurality of IM sessions) that are present in the single IM session window. In contrast to the Applicant's argument Becker in view of Tang teaches the argued limitation. Becker teaches a unified or consolidated single IM session window pane (paragraphs 38, 83, Figs. 1, 12, etc), but what is not disclosed in Becker is indicating the number of messages received in each of the participants (or sessions). Tang, on the other hand discloses this shortcomings. Tang discloses an information window (Fig. 5A, numeral 62) that contains the number of unread email and unread voicemail messages. The teaching of Tang, i.e., the number of messages received indicators with Becker's participants (sessions) which are shown within a single session IM window (paragraph 38, 83, Figs. 1, and 12) will obtain the invention as specified in the current claims. Furthermore, although the information window of Tang is separately shown, it is the teaching of the number of messages received or unread messages

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from each indicators (contact list, session participant) which is required form Tang, the rest of the limitations are described by the main reference, Becker.

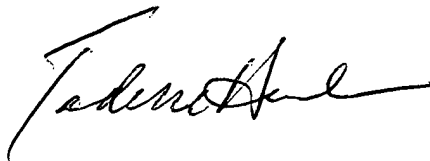
Applicant further argues that "Becker in view of Tang does not teach or suggest a method wherein indicating the number of messages comprises displaying a number of first symbols within each of the indicators corresponding to the displaying to the number of messages." In contrast to the Applicant's argument the number of messages received or not read are indicated in numeral symbol, which corresponds to the number of messages as specified in the current claims.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (571) 272-4051. The Examiner can normally be reached on M-F from 10:00 - 630 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Cabeca, can be reached at (571) 272-4048 Art Unit 2173.

9 An inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Tadesse Hailu  
Art Unit 2173



8/30/05